



H.R. 1814- Equitable Access to Health Care (EACH) Act

Remarks by Congressman Aaron Schock

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Opening

MR/MADAM SPEAKER, just yesterday, a Washington newspaper headline read “Worst Congress Ever?” The thrust of the article was an indictment against Washington partisanship for failure to move significant legislation on behalf of the American people. To some degree, I suppose we have all felt, at times, that Congress just isn’t making any laws.

Of course, there are times when Congress must make NO law, if we are to honor the oath we have each sworn to support and defend the Constitution of the United States. Indeed, “Congress shall make NO law respecting the establishment of religion, or prohibiting the free exercise thereof.”

Today, we have an opportunity to work together – across the aisle – to reaffirm this founding principle of our democracy. Together, we will reinforce the constitutional protection for sincere believers of all faiths against unnecessary entanglement of government with their private religious expression.

H.R. 1814 slightly expands the religious conscience exemption of the Affordable Care Act to include individuals with “sincerely held religious beliefs” among those eligible for an exemption to the individual mandate penalty.

In order to qualify for the exemption under the EACH Act, an individual must affirm on an annual tax return that he or she cannot purchase coverage due to a “sincerely held religious belief.”

This term, as defined by the U.S. EEOC and widely recognized by the Courts, is designed to protect various types of religious believers, not just those who belong to a traditional, organized religion.

Today’s bill must become law. Among the many problems with the Affordable Care Act, the current conscience exemption only protects religious exemptions of a FEW select faiths.

Now I am fully aware that not every organization purporting to defend religious liberty is in favor of today's bipartisan measure. I am nevertheless thankful that my good friend from the other side of the aisle, Mr. Keating, joined me in this effort.

His home state of Massachusetts incorporated a similar religious liberty exemption in their state law, and it seems to be working just fine. Since the law passed, only 6,500 of Bay Staters have claimed the conscience exemption.

This fact serves to reinforce the very principle of religious liberty we affirm today. The Constitution does not ONLY protect the religious practices and beliefs of majority faith traditions. Rather, the First Amendment protects even the smallest faith group, and even the single individual, against laws that infringe upon their sincerely held religious beliefs.

But H.R. 1814 isn't only about constitutional jurisprudence and legislative correctives. It is about real people in my district - and in yours - who feel that their free exercise of religion is encumbered by the current law.

One of them is a constituent of mine named Andrew who lives in Chillicothe, Illinois. Andrew is a sincere believer whose religious commitments lead him to pursue only non-medical health care options.

According to Andrew, the current law will require him to pay a fine once the individual mandate penalty kicks in. Regrettably, Andrew's religious beliefs were not considered when the present conscience exemption was enacted.

The EACH Act gives individuals like Andrew the ability to practice his religious belief without coercive government fining him for refusing coverage he does not intend to use, nor can he use and remain true to his most sincere religious beliefs.

We recognize, however, that the immense unpopularity of Obamacare among many Americans might entice otherwise law-abiding citizens to claim an exemption under the EACH Act in order to escape the law's penalty.

In order to ensure that individuals do not game the system, this bill includes a strong provision that revokes the exemption and requires the individual to pay a fine if he or she seeks medical treatment at any point during the year.

HR 1814 walks that fine line between protecting the First Amendment for every American and safeguarding taxpayers against potential fraud.

Congress has long sought to uphold both these commitments, and today's bill affords us a bipartisan opportunity to do it again.

I urge my colleagues to support this important fix to the Affordable Care Act and pass HR 1814.

Closing

MR/MADAM SPEAKER, the US Supreme Court upheld Obamacare in a 5-4 ruling two years ago this summer. The justices did so by affirming that the Congress – contrary to the repeated assurance by my colleagues on the other side of the aisle – had effectively created a tax that falls under the enumerated powers of Article I of the Constitution.

And like a tax, compliance is mandatory and enforcement is the job of the Internal Revenue Service.

Since the summer of 2012, we have learned some things about the IRS that raise concerns about the agency's ability to do its job fairly.

Likewise, we've watched the Obama Administration usurp Congressional authority and refuse to enforce the law that bears the President's name.

Among the many "executive fixes" that seem to flow from the Administration with increasing frequency, none have touched upon one of the most serious problems with Obamacare.

Namely, the law will either force millions of Americans to violate their sincerely held religious beliefs or punish them for exercising those beliefs.

We are not likely to agree today – or any day – on the underlying law. Obamacare is as controversial today – and perhaps more so – than it was when it passed.

But we can agree on this: Congress shall make NO law respecting the establishment of religion or prohibiting the free exercise thereof.

Less than a mile from this chamber, on the bank of the tidal basin, are inscribed in marble these words:

"Almighty God hath created the mind free. All attempts to influence it by temporal punishments or burdens are a departure from the plan of the Holy Author of our religion. NO man shall suffer on account of his religious opinions or belief, but all men shall be free to possess and maintain their opinions in matters of religion."

Those words, written by Thomas Jefferson, the first Democrat to be called "Mr. President," capture the very essence of today's bill.

It is our duty – even our oath before God – to protect the religious freedoms of all Americans.

Obamacare does not do that, and this bipartisan measure today is a small, but necessary step, if Congress is to honor the great tradition of religious liberty enshrined in our founding documents and extended to succeeding generations of Americans by law.

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